

### **REMARKS**

Claims 1-50 are pending. Claims 1, 32 and 34 are amended for clarity. The Office Action mailed June 27, 2006, has been received and its contents carefully reviewed. Applicant respectfully requests reconsideration of this application in light of the following remarks.

Applicant thanks the Examiner for withdrawing the 35 U.S.C. §101 rejection in the prior Action.

In the Instant Action, claims 1-50 stand finally rejected under 35 U.S.C. § 103(a) as being unpatentable for obviousness in view of U.S. Patent No. 6,278,993 to Kumar, citing *Graham v John Deere Co.* for judicial support. Applicant respectfully traverses the rejection for the reasons set forth below and as also articulated in the previous response.

In the previous response, Applicant described various differences between the present invention, as claimed therein, and the cited reference, Kumar. In short, Applicant explicitly noted that Kumar describes a general search engine, and also fails to disclose or support the present invention, as set forth in the claims. The Examiner, however, did not find Applicant's arguments therein persuasive, and has finally rejected all of the claims as obvious over Kumar.

Kumar is generally directed toward a method of searching the Internet and providing a user with related, independently-searched information depending upon the first search parameters, *i.e.*, a general search engine. Specifically, Kumar describes a method of first searching a list of databases, generating a batch of documents pursuant to a first search criteria, and then conducting a related search pursuant to a second criteria on that batch of documents.

In other words, Kumar is directed to techniques that perform a two-level search criteria on documents, with the first search casting the search net broadly to encompass documents across the Internet pursuant to a first criterion, and then examining the found documents caught in that net further with a second criterion.

In contrast, the present invention, as claimed, is directed to techniques that perform a search criterion on documents that could be found either simply or with more effort, with the first casting of the search net narrowly to ascertain if the information (document) is local (easily obtained), and then, if not local or timely, casting the net broadly to obtain the information (documents) on the Internet pursuant to the same criterion. Whereas Kumar must always search

the web (broad search first), the present invention tries to preserve system resources by determining if local data suffices, provided that data is still timely, e.g., product prices, thereby minimizing web traffic and congestion.

Clearly, the paradigms and approaches of the present invention and Kumar differ markedly. Since both involve searching on the Internet, there is, of course, a superficial similarity in describing the mechanisms of operation, e.g., the employment of servers. But, there is little symmetry in the modes of operation between these diverse approaches, as set forth in detail herein.

Applicant has again reviewed Kumar and the Examiner's rejection to better ascertain the grounds for rejection and better Applicant's responses thereto. In particular, Applicant has again reviewed the portions of Kumar (col. 16) that the Examiner more particularly relies upon for the §103 rejection. As noted, Kumar addresses certain searching needs across an Internet network, i.e., a layered search protocol. The summarization software agent or gatherer 67 in Kumar is a multi-faceted software package and interface by which a knowledge worker can create a script or template to gather information (cols. 12-15), e.g., information from the Amazon.com website on order status. Repository 29 is very generally mentioned as providing a place for an individual to store and retrieve personal data thereon (col. 15, line 61 to col. 16, line 9), particularly, search templates or patterns. Much discussion then ensues on the particular format of information delivery on different devices, and how a user can provide for these differences by appropriate scripting and the augmentation of data summaries. Finally, at col. 16, line 63 *et seq.*, a portion particularly cited by the Examiner, a very basic proposition in the software arts is recited: modifications to website parameters entail corresponding modifications to old scripts or templates accessing those websites, thereby permitting continued ease of access. In other words, if the old interface no longer works, interface updating is required to properly access a revised website. Applicant, at best, sees a strained interpretation of this text as the pretext for the rejection of the instant invention.

Apparently, Kumar is applied against the claimed invention as follows: a user checks locally for certain data, i.e., in repository 29, particularly for a previously-used search template, and, since the template or search pattern is deficient, an update or code edit is needed,

necessitating correction of the template. Of course, much is assumed in making this argument since the text in Kumar, particularly, the portions cited, are quite vague and applicable to different problems than that faced in the present invention, as claimed. For example, the storage of product and promotional information in repository 29 is, at best, an assumption. Kumar describes storage of templates, i.e., search scripts, summary data, directives, and such (col. 13, lines 61-65; and col. 15, line 64 to col. 16, line 9), facilitating their version of quick Internet searching, keeping the search tools active, not the data. Although a vague reference to generalized summarization data is referred to at col. 16, lines 51-62, albeit in a different context than that of the claimed invention, the entire thrust in Kumar is to provide Internet Search tools.

There is no description in Kumar of a user, finding the desired product and promotional information locally, and selecting same, thereby avoiding a comprehensive web search. At best, Kumar indicates that the user can select a template or directive stored locally, e.g., for the second level of searching on the earlier searched documents using the narrower criterion. In other words, Kumar saves the search criterion for subsequent use, which will always mean a broad initial web search. There is also no discussion in Kumar that the aforesaid search template or other information, although conveniently stored locally, could become stale, necessitating a broader search at that time and not before as in Kumar. Further, any updating in Kumar is, at best, generally described as well and pertains, as mentioned, to template updates, i.e., code errors and in no way indicating time-sensitive data.

Applicant respectfully submits that Kumar, although generally related to seeking information on the Internet, differs significantly from the presently claimed invention. Kumar is directed to solving a different problem in a different way using different tools to accomplish the task.

In an effort to nonetheless better clarify and distinguish Applicant's innovation from Kumar, Applicant herein amends claims 1, 32 and 34. In particular, Applicant has clarified the operation of the claimed invention and also better exemplified the advantages of the instant invention over the cited art, particularly, Kumar, e.g., indicating the efficiencies gained using the principles of the present invention.

In view of the aforesaid arguments and amendments to the claims, Applicant respectfully submits that the present invention, as claimed, is not rendered obvious in view of Kumar, either alone or in combination with another reference. The many and varied deficiencies of Kumar as a primary reference against the claims of the instant invention have been made apparent. In view of Kumar's numerous operational differences and only a mere passing familiarity in structure, as also pertaining to Internet connectivity, Applicant respectfully requests that the §103(a) rejection of claims 1-50 be reconsidered and withdrawn.

**B. Conclusion**

In view of the above amendments and remarks, Applicant respectfully submits that the outstanding rejections have been overcome and the case is now in condition for allowance. Applicant, accordingly, respectfully requests that a timely Notice of Allowance be issued in this case.

The Commissioner is authorized to charge any overage or shortage of fees connected with filing of this Amendment to Deposit Account No. 19-2380.

Respectfully submitted,



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